THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 17205 of 2005

-

Dated: 04.08.2005

Between:-

Y. Nirmala w/o late Y. Raghavendra Rao, age 39 yrs,

Occ: House wife, R/o 85, MIGH, Mehdipatnam, Hyderabad.

…PETITIONER

And

The Govt. of A.P. represented by its Secretary, Revenue

(Assignment) Department, Hyderabad and two others.

…RESPONDENTS

O R D E R

The petitioner seeks a Mandamus to declare the action of the respondents in not considering the representation for allotment of the land admeasuring 500 sq. yards in Survey No. 128, situated at Mallepally village, Masab Tank, Hyderabad, in terms of W.A. No. 509 of 1977 and planning to dispossess the petitioner without giving any opportunity is illegal, and arbitrary and consequently to direct the respondents to consider the representation in terms of judgment in W.A. No. 509 of 1977.

The case of the petitioner is that her husband late Y. Ravhavendra Rao had

purchased a plot in Survey No. 128, Ward No.10, Block No.5, admeasuring 500 sq. yards situated at Mallepally village, Masab Tank, Hyderabad for a total consideration of Rs.15,000/- from one K. Subba Rao and since then they are in possession of the same and they have constructed a guard room in the said property after obtaining permission from the Municipal Corporation of Hyderabad. One Smt. Rajyalakshmi who has conveyed the said land in the name of her husband vide document No. 1635/69 and the said Subba Rao has obtained loan from the Government for construction of the house and at any point of time the Government did not question that it was the Government land. It is the further case of the petitioner that her husband approached the Government to consider to sell the schedule property to them by fixing a rate as per directions in W.A. No. 509 of 1977 by collecting market value of Rs. 10/- per sq. yard. Basing on the recommendations, she has approached the 2nd respondent who in turn sent the recommendations vide Letter No. C4/104/87 dated 1.11.1987 and fixed a rate of Rs. 600/- per sq. yard and the same is not communicated to her. It is the further case of the petitioner that she has given number of representations to the Government for allotment of the said plot by considering a representation in terms of judgment in W.A. No. 509 of 1977, but so far no action was taken and moreover the respondents authorities have planned to dispossess her from the plot by allotting some other persons without giving any opportunity to her which is illegal, arbitrary. Therefore, the petitioner came up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

The learned Goverrnment Pleader for Revenue, on instructions, submitted that the schedule land is situated in T.S. No. 17, Block 'I', Ward No. 36, corresponding to Revenue Sy. No. 27/A/Part, of Mallepally village, Asifnagar Mandal, Hyderabad, admeasuring 2539 sq. mtrs. which is recorded as "G" (Cantonment) Non-ISF land, as per Town Survey Land Register and it is vacant on ground and that the petitioner has not disclosed the details of schedule property for identification of the land and hence the question of considering her request for allotment of land on reasonable market value as per directions made in W.A. No. 509 of 1977 does not arise.

Considering the facts and circumstances of the case, I deem it appropriate to direct the respondents to consider the case of the petitioner, as recommended by the 2nd respondent through letter No. C4/104/87, dated 01.11.1987, within a period of four

weeks from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner and pass appropriate orders on merits and in accordance with law.

With the above directions, this writ petition is disposed of. No order as to costs.

_____

E. DHARMA RAO, J

4th August, 2005

vp